

# VETO MESSAGE ON HOUSE BILL NO. 85.

The following communication was received from his Excellency, the Governor:

Executive Office,  
Austin, Texas, March 25, 1897.

To the House of Representatives:

House bill No. 85 is herewith returned without approval. The bill is an act directing the Comptroller to draw his warrant on the State treasury against the school fund apportioned to Greer county in 1895-96 for \$4122.01, which is to be delivered to the county treasurer of Hardeman county, who is to disburse the fund by payment to teachers named in the act in the proportion there specified. The method adopted for guarding the disbursement is a provision in the bill that the treasurer of Hardeman county be held under his present bond as treasurer of the county for the faithful performance of the duties imposed by the act. The treasurer is under bond for the faithful performance of his official duties. The duties here imposed are extra-official, are arbitrary in character, and have no natural or necessary relation to this office. For under our system the county treasurer disburses no funds except in his own county. The act adds to the obligation of the bond and the undertaking of the sureties without their consent, and is therefore not binding upon them. Were it to become a law, the money would be handled without bonded security. Besides this, the bill provides for \$4122.01, while there is only \$4001 of the apportionment to the county remaining unpaid. For these reasons the act can not be approved or allowed to become a law, but it is deemed proper to place before you other considerations bearing upon the subject.

The act provides that when this money is paid, the members of the Congress from this State be requested to seek reimbursement from the United States, and seems to indicate that in the opinion of the Legislature the obligation upon this State is doubtful. Greer county was created in 1860, and organized in 1886. Throughout that time the State of Texas and the United States claimed the territory and exercised varying jurisdiction. The people of the county, with rare exception, refused to pay State taxes for general or school purposes, and as they were sustained in this by the Federal courts what small taxes were paid were pure-

ly voluntary. For the year 1895-96 the school money apportioned to the county, as reported by the Educational Department, was \$6895, of which \$2894 has been paid, and there was paid in school taxes by the county only \$1124.95. From 1892 to 1896, inclusive, the total apportionment to this county was \$40,565.50, and total school taxes paid by it only \$10,399.34. It is true that in some other counties more money has been apportioned for school purposes than the counties paid taxes, but that resulted not so much from a refusal or indisposition to pay taxes as in this case, but from meagre taxable values.

On July 18, 1887, the State patented to Greer county four leagues of land for free school purposes, situated in Cochran county. Of this grant, it is understood that one league has been sold, and the authorities of the Territory of Oklahoma, to which Greer county has been attached by the United States, are reported to be attempting to sell the remainder, notwithstanding the complete reversal of governmental conditions upon which the grant was based, and upon which alone it ought to stand. In view of these facts, it is matter of serious inquiry by the Legislature if we have not already discharged more than our just measure of obligation to this county and its people.

C. A. CULBERSON.